

BEFORE THE DIVISION OF MEDICAL QUALITY  
BOARD OF MEDICAL QUALITY ASSURANCE  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation  
Against:

JACK L. BARE, M.D.  
Certificate No. A-27773  
Respondent

No. D-2826

DECISION

The attached Stipulation is hereby adopted by the Division  
of Medical Quality of the Board of Medical Quality Assurance as its  
Decision in the above-entitled matter.

This Decision shall become effective on June 8, 1983.

IT IS SO ORDERED May 9, 1983.

DIVISION OF MEDICAL QUALITY  
BOARD OF MEDICAL QUALITY ASSURANCE



MILLER MEDEARIS  
Secretary-Treasurer

1 LOUIS C. CASTRO  
Attorney at Law  
2 1004 Willow Street  
San Jose, California 95125  
3 Telephone: (408) 292-8000

4 Attorney for Complainant  
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6  
7

8 BEFORE THE

9 DIVISION OF MEDICAL QUALITY  
BOARD OF MEDICAL QUALITY ASSURANCE  
10 DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA  
11

12 In the Matter of the Accusation	)	
Against:	)	NO: D-2826
	)	
13 JACK L. BARE, M.D.	)	OAH NO. N 18955
	)	
14 Respondent.	)	STIPULATION AND DECISION
	)	<u>AND ORDER</u>
15	)	

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16  
17 IT IS HEREBY STIPULATED by and between JACK L. BARE,  
18 M.D. (referred to herein as Respondent), together with his  
19 attorney, MICHAEL S. JARBOE, ESQ. with offices at 926 "J" Street,  
20 Suite 905, Sacramento, California, and ROBERT ROWLAND,  
21 Complainant herein, as Executive Director of the Board of  
22 Medical Quality Assurance of the State of California, by and  
23 through his attorney, LOUIS C. CASTRO, 1004 Willow Street, San  
24 Jose, California, as follows:

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I.

That Respondent has received and read the accusation which is presently on file and pending in case No. D-2826 before the Division of Medical Quality, Board of Medical Quality Assurance of the State of California.

II.

That Respondent has retained MICHAEL S. JARBOE, ESQ. to be his attorney, and that Respondent has counseled with MICHAEL S. JARBOE, ESQ. concerning the effect of this Stipulation.

III.

That Respondent understands the nature of the charges alleged in the accusation as providing the basis for disciplining his Physician's and Surgeon's Certificate No. A-027773.

IV.

That Respondent is fully aware of his right to a hearing on the charges and allegations contained in said accusation, his right to reconsideration, to appeal, and to any and all other rights which may be accorded him pursuant to the California Administrative Procedure Act (Gov. Code, §11370 et seq.), and that he hereby freely and voluntarily waives his right to a hearing, to reconsideration, to appeal, and to any and all other rights which may be accorded him by the California Administrative Procedure Act and the Code of Civil Procedure. Respondent however, retains all rights to petition the Division of Medical Quality for termination of or modification of the terms and conditions of his probation.

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1 V.

2 That ROBERT ROWLAND, as Executive Director of the Board  
3 of Medical Quality Assurance, made and filed the accusation  
4 solely in his official capacity. That Respondent is and at all  
5 times mentioned in the accusation, licensed as a physician and  
6 surgeon and is therefore subject to disciplinary action by the  
7 Division of Medical Quality of the Board of Medical Quality  
8 Assurance.

9 VI.

10 Respondent stipulates that the conduct alleged in  
11 paragraphs 6, 7, and 8 of the accusation constitutes repeated  
12 similar negligent acts and is grounds for disciplinary action  
13 pursuant to Business and Professions Code Sections 2234(c) and 2220.  
14 The grounds for disciplinary action and underlying conduct  
15 alleged in paragraphs 9 and 10 are dismissed with prejudice.  
16 This stipulation is for purposes of settling the above matter and  
17 does not constitute an admission of civil or criminal liability.

18 VII.

19 That based on the foregoing recitals, IT IS STIPULATED  
20 AND AGREED that the Division of Medical Quality, Board of Medical  
21 Quality Assurance may issue a decision and order upon this  
22 stipulation whereby the following discipline will be imposed.

23 Respondent's licentiate certificate No. A-027773 is  
24 hereby suspended for six(6)months provided however, that the  
25 execution of said suspension is stayed and Respondent is placed  
26 on probation for a period of three (3) years beginning the  
27 effective date of this decision and order, upon the following  
28 terms and conditions:

1           1. Within 120 days of the effective date of this  
2 decision, Respondent shall take and pass an oral clinical  
3 examination in general family practice to be administered by the  
4 Division or its designee. If Respondent fails this examination  
5 the order of suspension shall go into effect for six (6) months  
6 upon thirty (30) days written notice from the Division. After the  
7 six month suspension, Respondent shall not practice medicine  
8 until Respondent has passed this examination and has been so  
9 notified by the Division in writing. The Division shall pay the  
10 cost of the first examination and Respondent shall pay the costs  
11 of any subsequent examinations. If Respondent fails the  
12 examination, Respondent must wait three (3) months between  
13 examinations, except that after three (3) failures, Respondent  
14 must wait one (1) year to take each necessary re-examination.

15           2. Within ninety (90) days of the effective date of  
16 this decision and order and on an annual basis thereafter,  
17 Respondent shall submit to the Division for its prior approval  
18 an educational program or course related to medical therapeutics,  
19 general practice, and surgery, which shall not be less than  
20 twenty-five (25) hours per year, for each year of probation.  
21 This program shall be in addition to the Continuing Medical  
22 Education requirements for re-licensure. Following the completion  
23 of each course, the Division or its designee may administer an  
24 examination to test Respondent's knowledge of the course.

25           3. Respondent shall obey all federal, state and  
26 local laws, and all rules governing the practice of medicine in  
27 California.

28           4. Respondent shall submit quarterly declarations

1 under penalty of perjury on forms provided by the Division,  
2 stating whether there has been compliance with all the conditions  
3 of probation.

4 5. Respondent shall comply with the Division's  
5 probation surveillance program.

6 6. Respondent shall appear in person for interviews  
7 with the Division's medical consultant upon request at various  
8 intervals and with reasonable notice.

9 7. In the event Respondent should leave California  
10 to reside or practice outside the State, Respondent must notify  
11 in writing the Division of the dates of departure and return.  
12 Periods of residency or practice outside California will not  
13 apply to the reduction of this probationary period.

14 8. Upon successful completion of probation,  
15 Respondent's certificate will be fully restored.

16 9. With the exception of condition 1 above which is  
17 self executing, if Respondent violates probation in any respect,  
18 the Division, after giving Respondent notice and the opportunity  
19 to be heard, may revoke probation and carry out the disciplinary  
20 order that was stayed. If an accusation or petition to revoke  
21 probation is filed against Respondent during probation, the  
22 Division shall have continuing jurisdiction until the matter is  
23 final, and the period of probation shall be extended until the  
24 matter is final.

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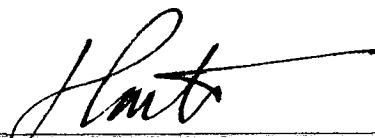
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VIII.

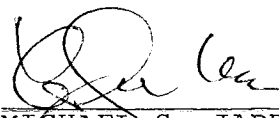
This stipulation shall be subject to the acceptance of the Division of Medical Quality, Board of Medical Quality Assurance. If the Division fails to accept this Stipulation, it shall be of no force or effect for either party.

DATED: 2-15-83

  
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LOUIS C. CASTRO  
Attorney for Claimant

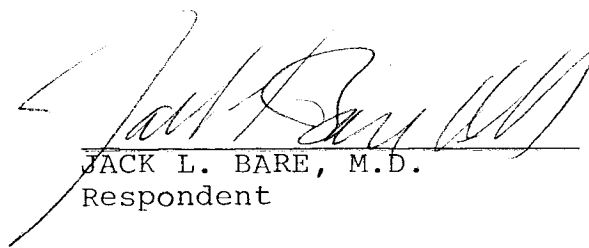
DATED:

2-15-83

  
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MICHAEL S. JARBOE  
Attorney for Respondent

DATED:

2-15-83

  
\_\_\_\_\_  
JACK L. BARE, M.D.  
Respondent

1 LOUIS C. CASTRO  
Attorney at Law  
2 650 North First Street  
San Jose, California 95112  
3 Telephone: (408) 295-7593

4 Attorney for BOARD OF MEDICAL QUALITY  
ASSURANCE

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8 BEFORE THE DIVISION OF MEDICAL QUALITY  
9 BOARD OF MEDICAL QUALITY ASSURANCE OF THE  
10 STATE OF CALIFORNIA

11 In the Matter of the Accusation )  
Against: ) NO: D-2826  
12 )  
JACK L. BARE, M.D. ) ACCUSATION  
13 Murieta Mobile Home )  
Village Box 63 )  
14 Sloughhouse, California 95683 )  
License No: A-027773 )  
15 Respondent. )  
16 )  
17

18 ROBERT ROWLAND alleges:

19 1. That he is the Executive Secretary of the BOARD OF  
20 MEDICAL QUALITY ASSURANCE and that he makes these charges and  
21 allegations in his official capacity and not otherwise.

22 2. That on or about March 21, 1975, the BOARD OF MEDICAL  
23 QUALITY ASSURANCE issued to Respondent JACK L. BARE, (hereinafter  
24 referred to as "Respondent.") physicians and surgeons license No:  
25 A-027773; that at all times mentioned herein, said license has been  
26 in full force and effect.

27 3. Under Business and Professions Code Section 2220, the  
28 BOARD OF MEDICAL QUALITY ASSURANCE, Division of Licensing, may take  
29 disciplinary action against Respondent for unprofessional conduct  
30 for which it may discipline Respondent under the provisions of  
31 Business and Professions Code Section 2227.

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1           4. Business and Professions Code Sections 2234(b)(c)  
2 and (d) respectively defines unprofessional conduct as constituting

3                   (b). Gross negligence

4                   (c). Repeated similar negligent acts

5                   (d). Incompetence

6           5. That at all times mentioned herein, Respondent was  
7 a physician and surgeon employed by Folsom State Prison, State  
8 Department of Corrections. Respondent's duties and  
9 responsibilities included attending to and providing medical care  
10 to inmates at Folsom State Prison.

11           6. That on or about April 18, 1980, inmate M [REDACTED]  
12 B [REDACTED] (#C-00106) was admitted to the Folsom Prison Medical  
13 Facility suffering from a stab wound. That Respondent in a grossly  
14 negligent and/or incompetent manner did treat, operate on, care for,  
15 and prescribe for said patient B [REDACTED] including, but not  
16 limited to the following:

17                   (a). Respondent failed to recognize the patient's  
18 shock situation;

19                   (b). Respondent failed to take appropriate action  
20 for the patient's condition including transferring the patient to  
21 an acute care medical center.

22           7. That between January 1976 and/or on or about October  
23 1977, Respondent in a grossly negligent and/or incompetent manner  
24 did treat, operate on, care for, and prescribe for inmate R [REDACTED] L  
25 J [REDACTED] (#B-25246), who had a known history of heart disease,  
26 including but not limited to the following:

27                   (a). Respondent ignored laboratory findings regarding  
28 the patient's heart problem and failed to order or follow-up on  
29 additional laboratory data regarding the patient's heart condition.

30                   (b). Respondent failed to refer the patient for  
31 further cardiac evaluation.

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1           8. That between March 1978 and on or about August 1978,  
2 Respondent, in a grossly negligent and/or incompetent manner did  
3 treat, operate on, care for, and prescribe for inmate D [REDACTED]  
4 G [REDACTED] (# B-79699) including but not limited to the following:

5           (a). Respondent failed to followup the care and  
6 treatment of patient J [REDACTED] whom Respondent knew or should have  
7 known might be suffering from leukemia, which condition was  
8 subsequently diagnosed by others as chronic.

9           9. That between May 23, 1977, and on or about June 16,  
10 1977, Respondent in a negligent and/or incompetent manner did  
11 treat, operate on, care for, and prescribe for inmate J [REDACTED] B [REDACTED]  
12 (#D-78426) including but not limited to the following:

13           (a). Respondent failed to obtain an adequate  
14 history of said patient who had a history of heart disease and  
15 failed to adequately follow-up and prescribe for the patient's  
16 condition.

17           10. That between January 11, 1977 to on or about  
18 February 22, 1977, Respondent in a negligent manner did treat,  
19 operate on, care for, and prescribe for inmate F [REDACTED] J [REDACTED]  
20 (#B-61281) including but not limited to the following:

21           (a). In spite of the patient's deteriorating  
22 condition showing confusion, disorientation, and abnormal  
23 behavior, Respondent failed to undertake appropriate laboratory  
24 testing and failed to transfer to and/or obtain for said patient,  
25 a neurological evaluation.

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CAUSES FOR DISCIPLINARY ACTION

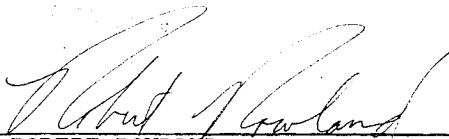
11. That Respondent's conduct as alleged in paragraphs 6, 7, 8, 9 and 10, jointly and severally, constitute gross negligence and is grounds for disciplinary action pursuant to Business and Professions Code Sections 2234(b) (gross negligence) and 2220.

12. That Respondent's conduct as alleged in paragraphs 6,7,8, and 9, jointly and severally constitute incompetence and is grounds for disciplinary action pursuant to Business and Professions Code Sections 2234(d) (incompetence) and 2220.

13. That Respondent's conduct as alleged in paragraphs 6,7,8,9, and 10, jointly constitute repeated similar negligent acts and is grounds for disciplinary action pursuant to Business and Professions Code Sections 2234(c) (repeated similar negligent acts) and 2220.

WHEREFORE, the DIVISION of MEDICAL QUALITY OF The BOARD OF MEDICAL QUALITY ASSURANCE requests that it may take whatever action it deems appropriate against Respondent's license No: A-02773.

DATED: November 6, 1981

  
ROBERT ROWLAND  
Executive Secretary